

**Minutes of Meeting  
BOARD FOR CONTRACTORS  
INFORMAL FACT-FINDING CONFERENCES  
January 30, 2007 (9:00 a.m.)**

The Board for Contractors convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Dorothy Wood, Board member, presided. No other Board members were present.

Joseph Haughwout appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the Summaries or Consent Orders are attached unless no decision was made.

Disc = Disciplinary Case  
Lic = Licensing Application  
RF = Recovery Fund Claim  
Trades = Tradesmen Disciplinary Case/Application

C = Complainant/Claimant  
A = Applicant  
R = Respondent/Regulant  
W = Witness  
Atty = Attorney

**Participants**

1. Ashley Reagan Walker  
t/a A & R Tree & Handyman Service  
File Number 2006-05074 (Disc)

Walker – R

2. Ashley Reagan Walker  
t/a A & R Tree & Handyman Service  
File Number 2006-05113 (Disc)

Walker – R  
Felecia Jones – C

The meeting adjourned at 10:30 a.m.

**BOARD FOR CONTRACTORS**

  
\_\_\_\_\_  
Mark D. Kinser, Chairman

 for  
\_\_\_\_\_  
Jay DeBoer, Secretary

COPY TESTE:

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Custodian of Records

**IN THE  
COMMONWEALTH OF VIRGINIA  
BOARD FOR CONTRACTORS**

Re: Ashley Reagan Walker, t/a A & R Tree & Handyman Service  
Hopewell, VA 23860

File Number 2006-05074  
License Number 2705100085

**CONSENT ORDER**

Respondent Ashley Reagan Walker, t/a A & R Tree & Handyman Service ("Ashley Reagan Walker") recognizes and acknowledges being subject to and bound by the Regulations of the Board for Contractors ("Board"), as well as by all other applicable Virginia laws.

**Board's Regulations provides:**

**18 VAC 50-22-200. Remedial education, revocation or suspension; fines.**

The board may require remedial education, revoke or suspend a license or fine a licensee when a licensee has been found to have violated or cooperated with others in violating any provision of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia, or any regulation of the board.

*Historical Notes:*

*Derived from VR220-01-2:1 §5.1, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.*

Pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended:

On December 7, 2006, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Ashley Reagan Walker ("Walker"), t/a A & R Tree & Handyman Service, to the address of record. The certified mail was received.

The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter.

On January 30, 2007, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Ashley Walker, Respondent; Joseph Haughwout, Staff Member; and Dorothy Wood, Presiding Board Member.

Walker testified that she closed her business in May 2006. She further testified that her husband was incarcerated around this time and will be incarcerated for the foreseeable future. Walker is currently employed by another contractor, and is the sole support for her children. Based on her testimony, I do not believe that monetary penalties are appropriate; however, she should not retain her license.

The Amended Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, is incorporated with the Consent Order.

The Board and Ashley Reagan Walker, as evidenced by the signatures affixed below, enter into this Consent Order. Ashley Reagan Walker knowingly and voluntarily waives any further proceedings in this matter under Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

By signing this Consent Order, Ashley Reagan Walker acknowledges an understanding of the charges and hereby admits to the violation(s) of the Counts as outlined in the Amended Report of Findings. Ashley Reagan Walker consents to the following term(s):

	Count 1	18 VAC 50-22-260.B.8	\$0.00
	Count 2	18 VAC 50-22-260.B.13	\$0.00
			-----
	TOTAL MONETARY PENALTIES		\$0.00

In addition, for violation of Counts 1 and 2, Ashley Reagan Walker agrees to revocation of her license.

Ashley Reagan Walker also agrees to pay \$150.00 in Board costs.

Any monetary penalties, costs, and/or sanctions are to be paid/performed within ninety days of the effective date of this consent order unless otherwise specifically noted above. Ashley Reagan Walker acknowledges any monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Ashley Reagan Walker will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in Section 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

**Ashley Reagan Walker acknowledges that failure to pay any monetary penalty or cost and/or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Ashley Reagan Walker's license until such time as there is compliance with all terms of this Order. Ashley Reagan Walker understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.**

The effective date of this Order shall be the date of execution by the Board.

SEEN AND AGREED TO:

\_\_\_\_\_  
Ashley Reagan Walker  
t/a A & R Tree & Handyman Service

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title of Person Signing on behalf of Entity

CITY/COUNTY OF \_\_\_\_\_  
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2007.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**SO ORDERED:**

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Board for Contractors

BY: \_\_\_\_\_  
Jay W. DeBoer, Secretary

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**VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION  
COMPLIANCE & INVESTIGATIONS DIVISION  
3600 WEST BROAD STREET  
RICHMOND, VA 23230-4917**

**AMENDED REPORT OF FINDINGS**

**BOARD:** Board for Contractors  
**DATE:** August 30, 2006 (revised December 6, 2006)

**FILE NUMBER:** 2006-05074  
**RESPONDENT:** Ashley Reagan Walker, t/a A&R Tree & Handyman Service  
**LICENSE NUMBER:** 2705100085  
**EXPIRATION:** October 31, 2007

**SUBMITTED BY:** Investigator Christopher Dodson  
**APPROVED BY:** Assistant Director Sheon Rose

**COMMENTS:**

Companion file to #2006-05113.

The parties are currently in civil litigation in Chesterfield County General District Court, scheduled for January 11, 2007.

\*\*\*\*\*

Ashley Reagan Walker ("Walker"), t/a A&R Tree & Handyman Service, was at all times material to this matter a licensed Class C contractor in Virginia (No. 2705100085).

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

**BACKGROUND:**

On May 25, 2006, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Lisa Dykes ("Dykes") regarding Walker. (Exh. C-1)

In March 2006, Walker entered into a verbal agreement, in the amount of \$700.00, with Dykes to construct a panel fence using materials furnished by Dykes at 5001 Locksley Place, Richmond, Virginia, 23236. (Exh. I-2)

In March 2006, Walker commenced and finished work. (Exh. I-2)

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1. Board Regulation

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

8. Failure of all those who engage in residential contracting, excluding subcontractors to the contracting parties and those who engage in routine maintenance or service contracts, to make use of a legible written contract clearly specifying the terms and conditions of the work to be performed. For the purposes of this chapter, residential contracting means construction, removal, repair, or improvements to single-family or multiple-family residential buildings, including accessory-use structures as defined in § 54.1-1100 of the Code of Virginia. Prior to commencement of work or acceptance of payments, the contract shall be signed by both the consumer and the licensee or his agent.

Historical Notes:

Derived from VR220-01-2:1 §5.7, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

Print Date: February 1, 2006

FACTS:

On March 27, 2006, Dykes paid Walker \$300.00 by check. On March 29, 2006, Dykes paid Walker \$250.00 by check. Dykes also paid Walker \$150.00 in cash. (Exh. C-2 and I-2)

Walker failed to make use of a legible written contract clearly specifying the terms and conditions of the work to be performed.



2. Board Regulation

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

13. Failing to respond to an investigator or providing false, misleading or incomplete information to an investigator seeking information in the investigation of a complaint filed with the board against the contractor.

Historical Notes:

*Derived from VR220-01-2:1 §5.7, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.*

Print Date: February 1, 2006

FACTS:

On August 3, 2006, Investigator Christopher Dodson, the Board's agent, sent a written request, via certified mail, to Walker at the address of record of 455 Stonewall Avenue, Hopewell, Virginia 23860, requesting a written response and supporting documents to the complaint filed with the Board. The Board's agent requested the response be received by August 17, 2006. On August 24, 2006, mail was returned to the Board's agent by the United States Postal Service marked "unclaimed". Delivery notations indicate attempts made on August 7, August 16, and August 19, 2006. (Exh. I-4)

On August 11, 2006, the Hopewell Postmaster certified that mail was delivered to Walker at 455 Stonewall Avenue, Hopewell, Virginia 23860. (Exh. I-5)

On August 28, 2006, the Board's agent called Walker via telephone and left two voicemail messages on two separate lines detailing mail problems and requesting contact. (Exh. I-3)

As of August 30, 2006, Walker failed to respond to the investigator seeking information in the investigation of a complaint filed with the board.

**IN THE  
COMMONWEALTH OF VIRGINIA  
BOARD FOR CONTRACTORS**

**Re: Ashley Reagan Walker, t/a A & R Tree & Handyman Service  
Hopewell, VA 23860**

**File Number 2006-05113  
License Number 2705100085**

**CONSENT ORDER**

**Respondent Ashley Reagan Walker, t/a A & R Tree & Handyman Service ("Ashley Reagan Walker") recognizes and acknowledges being subject to and bound by the Regulations of the Board for Contractors ("Board"), as well as by all other applicable Virginia laws.**

**Board's Regulations provides:**

**18 VAC 50-22-200. Remedial education, revocation or suspension; fines.**

**The board may require remedial education, revoke or suspend a license or fine a licensee when a licensee has been found to have violated or cooperated with others in violating any provision of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia, or any regulation of the board.**

**Historical Notes:**

***Derived from VR220-01-2:1 §5.1, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.***

**Pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended:**

**On December 7, 2006, the Notice of Informal Fact-Finding Conference ("Notice") was mailed, via certified mail, to Ashley Reagan Walker ("Walker"), t/a A & R Tree & Handyman Service, to the address of record. The certified mail was received.**

**The Notice included the Report of Findings, which contained the facts regarding the regulatory and/or statutory issues in this matter.**

On January 30, 2007, an Informal Fact-Finding Conference ("IFF") was convened at the Department of Professional and Occupational Regulation.

The following individuals participated at the IFF: Ashley Walker, Respondent; Felicia Jones ("Jones"), Complainant; Joseph Haughwout, Staff Member; and Dorothy Wood, Presiding Board Member.

Walker testified that she closed her business in May 2006. She further testified that her husband was incarcerated around this time and will be incarcerated for the foreseeable future. Walker is currently employed by another contractor, and is the sole support for her children. Based on her testimony, I do not believe that monetary penalties are appropriate; however, she should not retain her license. The Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, is incorporated with the Consent Order.

The Board and Ashley Reagan Walker, as evidenced by the signatures affixed below, enter into this Consent Order. Ashley Reagan Walker knowingly and voluntarily waives any further proceedings in this matter under Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

By signing this Consent Order, Ashley Reagan Walker acknowledges an understanding of the charges and hereby admits to the violation(s) of the Counts as outlined in the Report of Findings. Ashley Reagan Walker consents to the following term(s):

	Count 1	18 VAC 50-22-260.B.8	\$0.00
	Count 2	18 VAC 50-22-260.B.17	\$0.00
	Count 3	18 VAC 50-22-260.B.15	\$0.00
	Count 4	18 VAC 50-22-260.B.13	\$0.00
			_____
	TOTAL MONETARY PENALTIES		\$0.00

In addition, for violation of Counts 1, 2, 3, and 4 Ashley Reagan Walker agrees to revocation of her license.

Ashley Reagan Walker also agrees to pay \$150.00 in Board costs.

Any monetary penalties, costs, and/or sanctions are to be paid/performed within ninety days of the effective date of this consent order unless otherwise specifically noted above. Ashley Reagan Walker acknowledges any monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Ashley Reagan Walker will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in Section 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

**Ashley Reagan Walker acknowledges that failure to pay any monetary penalty or cost and/or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Ashley Reagan Walker's license until such time as there is compliance with all terms of this Order. Ashley Reagan Walker understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.**

The effective date of this Order shall be the date of execution by the Board.

SEEN AND AGREED TO:

\_\_\_\_\_  
Ashley Reagan Walker  
t/a A & R Tree & Handyman Service

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title of Person Signing on behalf of Entity

\_\_\_\_\_  
CITY/COUNTY OF  
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this \_\_\_\_ day of \_\_\_\_\_,  
2007.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**SO ORDERED:**

Entered this \_\_\_\_ day of \_\_\_\_\_, 2007.

Board for Contractors

BY: \_\_\_\_\_  
Jay W. DeBoer, Secretary

EOO

**VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION  
COMPLIANCE & INVESTIGATIONS DIVISION  
3600 WEST BROAD STREET  
RICHMOND, VA 23230-4917**

**REPORT OF FINDINGS**

**BOARD:** Board for Contractors  
**DATE:** September 8, 2006 (revised December 6, 2006)

**FILE NUMBER:** 2006-05113  
**RESPONDENT:** Ashley Reagan Walker, t/a A&R Tree & Handyman Service  
**LICENSE NUMBER:** 2705100085  
**EXPIRATION:** October 31, 2007

**SUBMITTED BY:** Investigator Christopher Dodson  
**APPROVED BY:** Assistant Director Sheon Rose

**COMMENTS:**

Companion file to #2006-05074

\*\*\*\*\*

Ashley Reagan Walker ("Walker"), t/a A&R Tree & Handyman Service, was at all times material to this matter a licensed Class C contractor in Virginia (No. 2705100085).

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

**BACKGROUND:**

On May 26, 2006, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Felecia M. Jones ("Jones") regarding Walker. (Exh. C-1)

In April 2006, Walker entered into a verbal agreement, in the amount of \$325.00, with Jones to cut down a tree, remove the tree, and grind down the stump at 4421 Burgess House Lane, Richmond, Virginia 23236. (Exh. C-1 and I-2)

On April 13, 2006, Walker commenced work. (Exh. C-1 and I-2)

On April 13, 2006, Jones paid Walker \$325.00 by check. (Exh. C-4)

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1. Board Regulation

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

8. Failure of all those who engage in residential contracting, excluding subcontractors to the contracting parties and those who engage in routine maintenance or service contracts, to make use of a legible written contract clearly specifying the terms and conditions of the work to be performed. For the purposes of this chapter, residential contracting means construction, removal, repair, or improvements to single-family or multiple-family residential buildings, including accessory-use structures as defined in § 54.1-1100 of the Code of Virginia. Prior to commencement of work or acceptance of payments, the contract shall be signed by both the consumer and the licensee or his agent.

Historical Notes:

Derived from VR220-01-2:1 §5.7, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

Print Date: February 1, 2006

FACTS:

On August 29, 2006, Jones stated she asked Walker for a written contract, but was told that a verbal agreement was enough. (Exh. I-2)

Walker failed to make use of a legible written contract clearly specifying the terms and conditions of the work to be performed.

2. Board Regulation

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

17. Making any misrepresentation or making a false promise that might influence, persuade, or induce.

Historical Notes:

Derived from VR220-01-2:1 §5.7, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.

Print Date: February 1, 2006

**FACTS:**

On April 13, 2006, Walker cut down and removed the tree, but left the stump. Walker asked Jones to pay the amount due for the job. Walker told Jones that she would return the following day and finish the job. Jones wrote Walker a check for the full amount based on this statement. (Exh. C-1 and I-2)

On April 14, 2006, Walker cashed the check; however, Walker never returned to complete the work. (Exh. I-2)

**3. Board Regulation**

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

15. The intentional and unjustified failure to complete work contracted for and/or to comply with the terms in the contract.

**Historical Notes:**

*Derived from VR220-01-2:1 §5.7, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.*

Print Date: February 1, 2006

**FACTS:**

In addition to the facts outlined in Count 2:

On April 15, 2006, Walker told Jones they were unable to get back due to a problem with another job, but would return in a few days to complete the job. (Exh. I-2)

On April 24, 2006, Walker told Jones they were debating how best to remove the stump. (Exh. I-2)

A week later, Jones attempted to contact Walker regarding completion of the work, but received no response. (Exh. I-2)

The last day Walker performed work at the subject property was April 13, 2006. (Exh C-1 and I-2)

As of August 29, 2006, Walker failed to complete grinding down the stump. (Exh. I-2)



**4. Board Regulation**

**18 VAC 50-22-260. Filing of charges; prohibited acts.**

**B. The following are prohibited acts:**

- 13. Failing to respond to an investigator or providing false, misleading or incomplete information to an investigator seeking information in the investigation of a complaint filed with the board against the contractor.**

**Historical Notes:**

*Derived from VR220-01-2:1 §5.7, eff. March 31, 1995; amended, Virginia Register Volume 17, Issue 21, eff. September 1, 2001.*

**Print Date: February 1, 2006**

**FACTS:**

On August 3, 2006, Investigator Christopher Dodson, the Board's agent, sent a written request, via certified mail, to Walker at the address of record of 455 Stonewall Avenue, Hopewell, Virginia 23860, requesting a written response and supporting documents to the complaint filed with the Board. The Board's agent requested the response be received by August 17, 2006. On August 24, 2006, mail was returned by the United States Postal Service marked "unclaimed". Delivery notations indicate attempts made on August 7, August 16, and August 19, 2006. (Exh. I-4)

On August 11, 2006, the Hopewell Postmaster certified that mail was delivered to Walker at 455 Stonewall Avenue, Hopewell, Virginia 23860. (Exh. I-5)

On August 28, 2006, the Board's agent called Walker via telephone and left two voicemail messages on two separate lines detailing mail problems and requesting contact. (Exh. I-3)

As of August 30, 2006, Walker failed to respond to the investigator seeking information in the investigation of a complaint filed with the board.

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTEREST ACT**

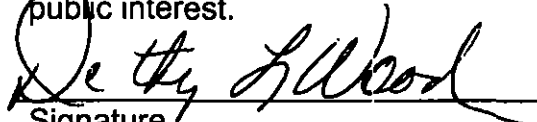
**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Dorothy Wood
2. Title: Presiding Board Member
3. Agency: Board for Contractors
4. Transaction: Informal Fact-Finding Conferences on January 30, 2007
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

  
Signature

1-30-2007  
Date